

REMARKS

I. INTRODUCTION

Favorable reconsideration of this application, in light of the present amendments and the following discussion, is respectfully requested.

II. STATUS OF THE CLAIMS

By the present amendment, Claims 1 and 5 are amended and Claims 4 and 6 are cancelled. That leaves Claims 1, 2, 5, 9, and 12 pending with Claims 1 and 5 being independent. It is respectfully submitted that no new matter is added by this amendment.

III. SUMMARY OF THE OFFICE ACTION

In the Office Action, the drawings are objected to under 37 § 1.83(a) for failing to show every feature of the invention specified in the claims; Claims 1 and 5 are objected to because of a minor informality; Claims 1, 2, 4-6, 9, and 12 are rejected under 35 U.S.C. § 102(b) as being anticipated by *Reiche et al.* (U.S. Patent No. 7,174,803); and Claims 1, 2, 4-6, 9 and 12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Hobaugh, II* (U.S. Patent No. 6,200,225).

IV. DRAWINGS

The drawings are objected to under 37 C.F.R. 1.83(a) for failing to show the deformations of Claim 2.

In response, Applicant submits new Figure 7, which is an exploded view of the shaft of Figure 1, and shows the male and female members 2 and 4 and the fastening cage. Figure 7 shows that the fastening cage includes slots 13; and that member 4 includes deformations 14, as

recited in Claim 2. Applicant submits that new Figure 7 does not include new matter because the slots 13 are seen in original Figures 5 and 6 of the fastening cage, and the deformations 14 are not only recited in original Claim 2, but are also described on page 5, lines 23-25 of Applicant's Disclosure ("cage (11) is clamped to the male member (4) by means of protrusion – like deformations"). Additionally, the specification is amended to reflect the addition of new Figure 7 and elements 13 and 14.

Accordingly, Applicant requests reconsideration and withdrawal of the objection to the drawings.

V. REJECTIONS OF CLAIMS

A. Objection of Claims 1 and 5

Claims 1 and 5 are objected to for the term "adapted for." In response, "adapted for" is removed from Claims 1 and 5. Therefore, Applicant requests withdrawal of the objection to Claims 1 and 5.

B. Rejection of Claims 1, 24-6, 9 and 12 under 35 U.S.C. § 102(b)

Claims 1, 2, 4-6, 9 and 12 are rejected under 35 U.S.C. § 102(b) as being anticipated by *Reiche*. Applicant respectfully traverses.

Independent Claims 1 and 5 are both amended to recite that the shaft includes a plurality of metal strips that are each received in at least one recess in the fastening cage and that the recesses are arranged on the fastening cage to correspond to sides of the triangular shape of the female and male members.

In contrast, *Reiche* teaches using only one spring 9, disposed in one chamber 8 at one side of the inner and outer shaft parts 2 and 3, as seen in Figure 6. The claimed invention on the other

hand recites a plurality of strips and a plurality of recesses, wherein the recesses are arranged on the fastening cage to correspond to sides of the triangular shape of the two members. See, for example, Figure 5 of Applicant's Disclosure. Although Figure 5 of *Reiche* shows two springs, those springs are disposed on the same side of the cage and are not arranged to correspond to sides of a triangular shape of inner and outer shaft parts, as recited in the claimed invention.

Anticipation requires that every limitation of a claim must identically appear in a prior art reference. See *Gechter v. Davidson*, 43 U.S.P.Q. 2d 1030, 1032 (Fed. Cir. 1997). It is clear that the limitations of a plurality of metal strips fitted inside at least one recess of the fastening cage, and the recesses being arranged on the fastening cage to correspond to sides of the triangular shape of the female and male members do not identically appear in *Reiche*. Absence from the prior art reference of any claimed element negates anticipation. See *Rowe v. Dror*, 42 U.S.P.Q.2d 1550, 1553 (Fed. Cir. 1997).

Consequently, because all of the claimed limitations of independent Claims 1 and 5, as amended, are not identically found in *Reiche*, Applicant submits that *Reiche* fails to anticipate the claimed invention. Therefore, Applicant requests reconsideration and withdrawal of the rejection of Claims 1 and 5 and their dependent claims under 35 U.S.C. § 102(b).

C. Rejection of Claims 1, 2, 4-6, 9 and 12 under 35 U.S.C. § 103(a)

Claims 1, 2, 4-6, 9 and 12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Hobaugh II*. Applicant respectfully traverses.

Independent Claims 1 and 5 are both amended to recite a plurality of metal strips that are each received in at least one recess in the fastening cage and that the fastening cage is continuous.

Even assuming that the bearing units 34 and 36 of *Hobaugh II* could be considered the fastening cage of the claimed invention (as suggested in the office action), the bearing units 34 and 36 do not form a continuous member. Instead, the bearing units 34 and 36 of *Hobaugh II* are separate pieces, as seen in Figure 7 of *Hobaugh II*. Thus, even if it could be argued that a plurality of recesses are provided between the outer and inner shafts 12 and 14 of *Hobaugh II*, those recesses are not in a continuous cage, but are instead defined by separate pieces.

Therefore, Applicant submits that a *prima facie* case of obviousness has not been established with respect to independent Claims 1 and 5 because all of the claim limitations of Claims 1 and 5, as amended are not found or suggested by *Hobaugh II*. Therefore, Applicant requests reconsideration and withdrawal of the rejection of Claims 1 and 5 and their dependent claims under 35 U.S.C. § 103(a).

V. CONCLUSION

Consequently, in view of the foregoing discussion and present amendments, it is respectfully submitted that this application is in condition for allowance. An early and favorable action is therefore respectfully requested.

Please charge any shortage or credit any overpayment of fees to BLANK ROME LLP, Deposit Account No. 23-2185 (001058-00031). A petition for a one-month extension of time is submitted herewith. In the event that an additional petition for an extension of time is required to be submitted herewith and in the event that a separate petition does not accompany this response, Applicant hereby petitions under 37 C.F.R. §1.36 (a) for an extension of time for as many months as are required to render this submission timely. Any fee due is authorized above.

Respectfully submitted,

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